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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,501	08/30/2001	Masashi Kon	09792909-5130	2401

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SNR DENTON US LLP  
P.O. BOX 061080  
CHICAGO, IL 60606-1080

EXAMINER
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SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3685

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

<b>Application No.</b> 09/944,501	<b>Applicant(s)</b> KON ET AL.	
<b>Examiner</b> CRISTINA SHERR	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 15 December 2010.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) 12-27 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-11 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This Office Action is in response to Applicant's Amendment, filed December 15, 2010. Claims 1-27 are pending in this case. Claims 1-11 are under examination. Claims 12-27 had been previously withdrawn. Claims 1, 3, and 7 are currently amended.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-11, as currently amended, have been considered but are moot in view of the new ground(s) of rejection.

#### ***Remarks***

3. Note that a recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art- if the prior art has the capability to so perform. MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987). In this case, the language in claim 1, "configured to receive . . ." constitutes intended use and this does not serve to further distinguish from the prior art. Additionally, the newly-added language "said information processing apparatus associates . . ." constitutes intended use and so does serve to further distinguish the claims from the prior art.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco ET al (US 6,256,737) in view of Vanstone et al (US 6,487,661).

6. Regarding claim 1 –

7. Bianco discloses a person authentication application data processing system which performs a person authentication process by comparing a template extracted from a person identification certificate, the template including person identification data of an individual user who uses an information processing apparatus, and user input sampling information, (fig1-fig2/104, col 3 ln 1-5, “compared measurements of unique personal characteristics”) said person authentication application data processing system comprising:

an information processing apparatus configured to perform person authentication (e.g. col 3 ln 7-17, “administration station”);

a service distribution device configured to receive various services from a service provider under the control of a service registration server when the service distribution device is registered with the service registration server (col 3 ln 6-12; col 3 ln 33-40, col 10 ln 1-35, col 10 n 49-55) and

a person identification certificate unit configured to issue person identification certificates, (e.g. col 3 ln 33-40, “certificate authority system”, 104),

wherein,

said information processing apparatus is configured to retrieve a person identification certificate for person authentication from the local storage device based on

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user input information, extracted (e.g. col 16 ln 5-20, “switchboard object receives the request, via comm. object, and creates receiver object’)

the information processing apparatus is configured to request the person identification certificate unit issue a new person identification certificate if the person identification certificate does exist in the local storage device, extracted (e.g. col 16 ln 5-20)

said person identification certificate unit is configured to issue a new person identification certificate including an encrypted template, which can be decrypted in said information processing apparatus, in response to the request from the information processing apparatus(e.g. col 54 ln 10-28, “ digital certificate from a certificate authority”), and

said information processing apparatus is configured to receive the person identification certificate from the person identification unit and store the person identification certificate issued from said person identification certificate unit in the local storage device of the information processing apparatus remotely from the server. (e.g. col 54 ln 10-28, “encrypted digital certificate containing . . . identification information”, also col 9 ln 35-42, col 10 ln 22-27, col 12 ln 23-30, col 18 ln 25-32, fig 7, col 22 ln 40-50, col 25 ln 54-65, col 28 ln 60 – col 29 ln 20, col 51 ln 30-35),

said information processing apparatus associates a public key certificate issued from the certificate unit with the person identification certificate. (col 18 ln 25-32, col 22 ln 40-50, col 25 ln 54-65).

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8. Note that the newly-added “said information processing apparatus associates . . . “ constitutes intended use and so does serve to further distinguish the claims from the prior art.

9. Bianco does not specifically disclose a certificate unit issuing public key certificates. Vanstone, however, does, at, e.g., col 4 ln 25-40. It would be obvious to one of ordinary skill in the art to combine Bianco and Vanstone since both are in the field of electronic transaction security and in order to obtain greater security.

10. Regarding claim 2 –

11. Bianco discloses a person authentication application data processing system according to Claim 1, wherein, said information processing apparatus creates a pair of identifiers of each person identification certificate and stores the pair of identifiers in the storage device when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus. (e.g. col 54 ln 20-30).

12. Regarding claim 3 –

13. Bianco discloses a person authentication application data processing system according to Claim 1, wherein said information processing apparatus retrieves a public key certificate used during data communication with an external apparatus, with stored data of the storage device of the information processing apparatus being used as the retrieval target on the basis of the user input information, said information processing apparatus is configured to (a) create a public key and a secret key when the applicable

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public key certificate cannot be extracted, (b) transmit transmits the created public key to the person identification certificate unit (c) make a request for issuing a person identification certificate (d) issue a public key certificate corresponding to an individual user or a public key certificate corresponding to said information processing apparatus, and (e) store the public key certificate issued from said certificate unit in the local storage device of the information processing apparatus. (e.g. col 54 ln 20-30).

14. Regarding claim 4 –

15. Bianco discloses a person authentication application data processing system according to Claim 3, wherein, said information processing apparatus creates pair information of identifiers of each certificate and stores the pair information in the storage device when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus. (e.g. col 55 ln 45-60).

16. Regarding claim 5 –

17. Bianco discloses a person authentication application data processing system according to Claim 3, wherein, said information processing apparatus creates identifiers of each certificate, stores the pair information in the local storage device, and registers a process identifier which identifies a process including services to be used when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus. (e.g. col 55 ln 45-60).

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18. Regarding claim 6 –

19. Bianco discloses a person authentication application data processing system according to Claim 1, further comprising a service distribution device configured to receive various services from a service provider under the control of a service registration server when the service distribution device is registered with the service registration server, wherein said information processing apparatus performs a person authentication process based on a verification process between the template extracted from the person identification certificate and user input sampling information, the template being person identification data of an individual user who uses the information processing apparatus, and performs user registration for said service registration server on the condition that person authentication is established. (e.g. col 2 ln 50-60).

20. Regarding claim 7 –

Bianco discloses a person authentication application data processing system according to Claim 1, wherein said information processing apparatus performs a mutual authentication with said service provider by using a public key certificate corresponding to an individual user or a public key certificate corresponding to said information processing apparatus in a process for receiving service distribution from said service provider, and said service provider provides services for said information processing apparatus upon confirmation that the public key certificate used for said mutual authentication corresponds to an authorized user or device registered in said service registration server and said mutual authentication is established. (e.g. abstract, col 3 ln 33-40).



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21. Regarding claim 8 –

22. Bianco discloses a person authentication application data processing system according to Claim 1, wherein data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate unit as a person identification certificate issuing entity is performed on the condition that a mutual authentication process is established. (e.g. abstract, col 2 ln 53 – col 3 ln 5).

23. Regarding claim 9 –

24. Bianco discloses a person authentication application data processing system according to Claim 1, wherein, a data transmission device creates an electronic signature for transmission data, and a receiving device verifies the electronic signature for data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate unit as a person identification certificate issuing entity. (e.g. col 55 ln 47-57).

25. Regarding claim 10 –

26. Bianco discloses a person authentication application data processing system according to Claim 1, wherein an encryption key used to encrypt the template stored in the person identification certificate issued from said person identification certificate unit is a public key which is set for said information processing apparatus or an individual user. (e.g. col 55 ln 37-45).

27. Regarding claim 11 –

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28. Bianco discloses a person authentication application data processing system according to Claim 1, wherein said template is biometric information of a person such as fingerprint information, retina pattern information, iris pattern information, voice print information, and handwriting information, or a non-biometric information such as a seal, a passport, a driver's license, and a card, or any combination of two or more of the biometric information and the non-biometric information, or a combination of any of the information and a password (e.g. abstract).

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. Matchett et al (US 5,229,764) discloses a continuous biometric authentication matrix.

31. Musgrave et al (US 6,505,193) discloses a system and method of fast biometric database searching using digital certificates.

32. Marckini et al (US 5,907,149) disclose an identification card with delimited usage.

33. Ohtsuki et al (US 5,831,547) disclose a wireless card system.

34. Khideckel et al (US 2001/0027527) disclose a secure transaction system.

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRISTINA OWEN SHERR  
Examiner  
Art Unit 3685

/Calvin L Hewitt II/  
Supervisory Patent Examiner, Art Unit 3685